

REMARKS AND AMENDMENTS

In section 4 of the office action the Examiner stated:

“Applicant’s arguments, filed 6/11/07, with respect to Lange (US 6,258,761 B1) have been fully considered and are persuasive. The rejection has been withdrawn.

However, it is noted that the declaration filed 6/11/2007 in paragraph 2 does not overlap the claimed limitations. Specifically, the unsaturated dicarboxylic acid anhydride or derivative is not esterified in the instant claim 1 so that the declaration is unpersuasive until applicant clarifies that the same esterified polymer is produced.

Should applicant narrow the claim language from “A grease composition” to “A grease composition consisting essentially of” and submit a declaration to exclude thiosulfates, which are present in the composition of Tipton, the above rejection would be overcome.”

In view of this statement above from the Examiner, the Applicant has amended claim 1 to specify:

“A composition consisting essentially of”.

In addition, claim 1 specifies:

“(d) 0 to about 20 weight percent of other performance additives selected from the group consisting of antioxidants, rust inhibitors, metal deactivators, antiwear agents, antiscuffing agents, extreme pressure agents, foam inhibitors, demulsifiers, friction modifiers, viscosity modifiers, pour point depressants and mixtures thereof”

Support for amending claim 1 to define an optional component (d) is found in the specification on page 13, lines 20 to 30. The specification states

“Optionally, the grease composition may include other performance additives selected from the group consisting of antioxidants, rust inhibitors, metal deactivators, antiwear agents, antiscuffing agents, extreme pressure agents, foam inhibitors, demulsifiers, friction modifiers, viscosity modifiers, pour point depressants and mixtures thereof.

The other performance additives are often present in the range from 0 to about 20, preferably about 0.1 to about 15, even more preferably about 0.2 to about 10 and most preferably about 0.4 to about 10 weight percent of the grease composition.

Although one or more of the other performance additives is often present, it is common for the performance additives to be present in different amounts relative to each other.”

The definition of component (d) in claim 1 defines a product that similar to that derived from independent claim 12. Claim 12 currently specifies in step (5)

“optionally adding to the product of step (4) adding at least one other performance additive to form a grease composition”.

The definition of the esterified polymer of the present invention specifies:

“an esterified polymer derived from monomers comprising:

- (i) a vinyl aromatic monomer;
- (ii) unsaturated dicarboxylic acid anhydride or derivatives thereof;”

Is the same as the definition stating :

“a polymer comprising:

- (i) a vinyl aromatic monomer;
- (ii) an esterified unsaturated dicarboxylic acid anhydride or derivatives thereof;”

The reason that both are the same is due to the fact that the unsaturated dicarboxylic acid anhydride monomer forms ester groups. This is explicitly taught in the detailed description of the present case on page 7, line 20 to page 9, line 2. The disclosure has a sub-heading of “Alcohols”. The first sentence states:

“The esterified polymer is formed by reaction of the dicarboxylic acid anhydride or derivatives thereof with an alcohol to form esterified groups.”

The declaration filed under Rule 1.132 by Sivik confirms that the polymer is the same. Accordingly, the Applicant requests the Examiner to conclude that the declaration overcomes the outstanding item relating to Lange.

The Applicant submits that the amendment to claim 1 is fully supported by the description and does not add new subject matter. In addition the amendment is within the scope of what the Examiner has indicated would overcome all remaining rejections.

The declaration filed under Rule 1.132; and enclosed with this response by inventor Sivik, specifies that the grease composition does not contain thiosulfates.

Accordingly, Applicants submit that the present case is in condition for allowance.

In the event that the Examiner believes that the amendments and declaration submitted along with this response do not result in allowance, the Examiner may telephone me at the telephone number listed below. The telephone call would be focus on resolving any outstanding rejections.

The Commissioner is authorized to charge any required fees or credit any overpayment of fees to The Lubrizol Corporation Deposit Account No. 12-2275.

Respectfully submitted,

THE LUBRIZOL CORPORATION

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